

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SECOND AMENDMENT ARMS, )  
(a d/b/a of R. Joseph Franzese), )  
R. JOSEPH FRANZESE, individually )  
and d/b/a SECOND AMENDMENT ARMS, )  
ROBERT M. ZIEMAN, SR., ICARRY, )  
an unincorporated Association (and d/b/a of )  
Shaun Kranish), SHAUN KRANISH, )  
individually and d/b/a ICARRY, and )  
TONY KOLE, )

Plaintiffs, )

v. )

CITY OF CHICAGO, a municipal )  
corporation, RAHM EMANUEL, in )  
his official capacity as Mayor of the )  
City of Chicago, GARRY McCARTHY, )  
Superintendent of Police of the City of )  
Chicago and SUSANA MENDOZA, )  
City Clerk of the City of Chicago, )

Defendants. )

Civil Case No: 1:10-cv-4257

Hon. Robert M. Dow, Jr.  
U.S. District Court Judge

Hon. Sheila M. Finnegan  
U.S. Magistrate Judge

PLAINTIFFS' RESPONSE  
TO DEFENDANTS' MOTION TO  
DISMISS COUNTS I, III, AND VIII-XVIII  
OF PLAINTIFFS' SECOND AMENDED COMPLAINT

NOW COMES Plaintiffs, by and through their attorney, Walter P. Maksym, Jr., and submit the following response to Defendants' Motion to Dismiss Counts I, III, AND VIII-XVIII of Plaintiffs' Second Amended Complaint ("Defendants' Motion"):

1. Plaintiffs admit paragraph 1 of Defendants' Motion
2. Plaintiffs admit that Defendants move to dismiss that portion of Count I which challenges the City's Zoning Ordinance, Count III, and Counts VIII-XVIII, but deny that those counts fail to state a claim and should be dismissed under Rule 12(b)(6), or that Count VIII should also be dismissed pursuant to Rule 12(b)(1) because Plaintiffs lack standing to bring that

claim.

3. Plaintiffs deny paragraph 3 of Defendants' Motion.

4. Plaintiffs deny paragraph 4 of Defendants' Motion.

5. Based on the forgoing and the argument and authorities set forth in Plaintiffs Memorandum in Opposition to Defendants' Memorandum of Law filed herewith and incorporated herein, Plaintiffs' Second Amended Complaint should not be dismissed.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully pray that this Court deny Defendants' Motion and grant them such other and further relief as it may deem just and proper in the premises.

Respectfully submitted,

/s/ Walter P. Maksym, Jr.  
Walter P. Maksym, Jr., Plaintiffs' Attorney

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